

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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MAY 20 2005

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In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations.  
(Wheatland, Wyoming)

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MB Docket No. 05-98  
RM-11187

TO: Secretary, Federal Communications Commission  
ATTN: Chief, Allocations Branch

## REPLY COMMENTS

Mitchell Beranek, the "Petitioner" in this matter, files these reply comments in  
MB Docket No. 05-98, RM-11187.

The Petitioner is in receipt of two separate Counterproposals in this proceeding.  
One Jointly filed by Keyhole Broadcasting, LLC and Mount Rushmore Broadcasting,  
Inc. ("KB&MRB"), and another separate Counterproposal filed by Kona Coast Radio,  
LLC ("KCR").

KB&MRB seek to create new first local service at both Edgemont, SD and  
Ellsworth AFB, SD, as well as make several other changes to the FM table of allotments  
to accommodate these two new community services. However, the proposal also would  
deny the Petitioner's new allotment for Wheatland, Wyoming.

KCR seeks to upgrade its class of operation from 240A to channel 242C1 for  
KVAN Rock River, Wyoming, and substitute channel 299C for channel 242C at Lusk,

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Wyoming and also substitute channel 247A for the proposed channel 298A at Wheatland, Wyoming as proposed by the Petitioner in its original Petition.

After some review of both of the Counterproposals filed, the petitioner has concluded that it doesn't believe that it is necessary for either Counterproposal to be in conflict with the Petitioners original Petition for Rulemaking to allot a new FM channel for Wheatland, Wyoming on channel 298A.

In regards to the Counterproposal filed by KCR, the only conflict with the Petitioner, is with the proposed substitution of channel 299C at Lusk, Wyoming from the currently vacant allotment channel 242C at Lusk. Through its own channel spacing studies, the petitioner suggests that channel 247C1 can be substituted for the currently vacant allotment of channel 293C1 at Wheatland, Wyoming with a site restriction of 41 kilometers northwest of Wheatland at the coordinates of 42 – 21 – 50 N, 105 – 13 – 25 W. , see Figure 2 attached. Then channel 293C can be substituted for the vacant allotment of channel 242C at Lusk, Wyoming at the coordinates of 42 - 37 - 14 N., 104 – 53 – 49 W.. It would require a site restriction of 40 kilometers west of Lusk, see Figure 1 attached. This would eliminate the need to substitute channel 299C at Lusk, Wyoming, thus removing the conflict with the Petitioners desire to allot channel 298A for Wheatland, Wyoming.

In regards to the Counterproposal filed by KB&MRB, the only conflict with this Counterproposal, is with its proposed allotment of channel 289C1 at Edgemont, SD, as KB&MRB is seeking to substitute the Petitioners planned use of channel 298A for the vacant channel 289A at Wheatland. However, the Petitioner has conducted a channel spacing study at Edgemont and found that channel 278C1 can be allotted to Edgemont,

SD without site restriction at the coordinates of 43 – 18 – 03 N, 103 – 49 – 29 W, see Figure 3 attached. This would eliminate the need to substitute channel 298A for the vacant channel 289A at Wheatland. Alternatively, channel 287A could be substituted for channel 289A at Wheatland with a site restriction of 12.7 kilometers northwest at the coordinates of 42 – 08 – 55 N., 105 – 02 – 21 W, see figure 4 attached. This would also eliminate the conflict with the proposed allotment of channel 298A at Wheatland, WY as proposed by the Petitioner.

In summary, while the Petitioner does not wish to either support or oppose either of the Counterproposals filed in this proceeding, it does continue to support the allotment of channel 298A at Wheatland, WY as the communities fourth local FM service. The Petitioner feels that it might be possible to accommodate all of the communities with the proposed service as outlined in both of the proposals file by KCR and KB&MRB, but still provide the new allotment of channel 298A at Wheatland, Wyoming as originally requested by the Petitioner.

A combination of the two Counterproposals and the original petition, the Petitioner feels could work as follows, as proposed allotments, section 73.202(b):

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Wheatland, WY	269A, 289A, 293C1	247C1, 269A, 289A(or 287A), 298A
Lusk, WY	242C	293C
Rock River, WY	240A	240C1
Custer, SD	286C1	-----
Edgemont, SD	-----	278C1(or 289C1)
Murdo, SD	285A	283A
Ellsworth AFB, SD	-----	285C
Wall, SD	288C	299C
Gillette, WY	245C1, 264C1, 280C2	245C1, 260C2, 264C1
Moorcroft, WY	228A	291A
Pine Haven, WY	260A	256A
Upton, WY	283A, 290C1	228A, 283C1

As mentioned, the Petitioner does not object to, nor support either of these two Counterproposals. It only feels and has shown in these Reply Comments, that it doesn't believe that its original proposal needs to be mutually exclusive with the other counterproposals, and continues to support the allotment of channel 298A to Wheatland, Wyoming, or perhaps an alternate class A channel that the Commission may decide to allot in substitution of channel 298A at Wheatland.

The Petitioner once again certifies that it will file an application for construction permit to operate a new station at Wheatland, Wyoming, should the Commission decide to allot a new class A channel at Wheatland, Wyoming, or it will participate in any future auction proceedings that the Commission may conduct.

Respectfully Submitted:

A handwritten signature in black ink, appearing to be 'M. Beranek', written over a circular stamp or seal.

Mitchell A. Beranek  
7607 Schrader Lane  
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May 19<sup>th</sup>, 2005

Figure 1, Allotment Point, Channel 293C  
Lusk, Wyoming

REFERENCE  
42 37 14 N  
104 53 49 W

CLASS = C  
Current Spacings

DISPLAY DATES  
DATA 05-18-05  
SEARCH 05-19-05

----- Channel 293 - 106.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
AL293	VAC 293C1	Wheatland	WY 22.19	192.6	270.0	-247.81
KZLK	LIC 292C1	Rapid City	SD 209.04	39.0	209.0	0.04
KLEN	LIC 292A	Cheyenne	WY 165.12	177.3	165.0	0.12
KLEN.C	CP -N 292A	Cheyenne	WY 174.24	178.2	165.0	9.24
KASS	LIC 295C	Casper	WY 116.50	277.2	105.0	11.50
AP295	APP 295C2	Minatare	NE 140.62	124.0	105.0	35.62
RS295	RSV 295C2	Minatare	NE 146.15	127.7	105.0	41.15
RDEL	DEL 293C1	Ogallala	NE 312.91	120.9	270.0	42.91
KMCXFM	LIC 293C1	Ogallala	NE 312.91	120.9	270.0	42.91
AP295	APP 295A	Minatare	NE 146.15	127.7	95.0	51.15
AL295	VAC 295A	Minatare	NE 146.15	127.7	95.0	51.15
AL290	VAC 290C1	Upton	WY 165.63	7.5	105.0	60.63
KAAQ	LIC 290C1	Alliance	NE 172.79	119.5	105.0	67.79

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Figure 2, allotment point, channel 247C1  
Wheatland, Wyoming

REFERENCE  
42 21 50 N  
105 13 25 W

CLASS = C1  
Current Spacings

DISPLAY DATES  
DATA 05-18-05  
SEARCH 05-19-05

----- Channel 247 - 97.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
AL248	VAC 248A	Centennial	WY 132.86	209.1	133.0	-0.14
KQSK	LIC 248C1	Chadron	NE 176.87	79.4	177.0	-0.13
KBCOFM	LIC-D 247C	Boulder	CO 272.21	181.2	270.0	2.21
KMGW	LIC-N 244C2	Casper	WY 98.48	295.8	79.0	19.48
KIMX.C	CP -N 244C2	Laramie	WY 120.95	188.7	79.0	41.95
KIMX	LIC-N 244C2	Laramie	WY 121.20	188.8	79.0	42.20
KRVK	LIC-N 300C	Midwest	WY 98.48	295.8	41.0	57.48
KQLF	LIC 250C1	Cheyenne	WY 141.51	172.6	82.0	59.51
KRVK.A	APP-N 300C1	Midwest	WY 98.44	295.8	34.0	64.44
KRVK	RSV 300C1	Midwest	WY 98.44	295.8	34.0	64.44
KRVK	RSV 300C1	Midwest	WY 98.48	295.8	34.0	64.48
KCMI	LIC 245C1	Terrytown	NE 147.21	119.5	82.0	65.21

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Figure 3, Allotment Point, Channel 278C1  
Edgemont, Wyoming

REFERENCE  
43 18 03 N  
103 49 29 W

CLASS = C1  
Current Spacings

DISPLAY DATES  
DATA 05-18-05  
SEARCH 05-19-05

----- Channel 278 - 103.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
KQLT	LIC	279C Casper	WY 211.72	253.8	209.0	2.72
AL279	VAC	279C2 Newell	SD 162.35	11.3	158.0	4.35
AP279	APP	279C2 Newell	SD 162.35	11.3	158.0	4.35
AP279	APP	279C2 Newell	SD 167.36	9.7	158.0	9.36
KIQK	LIC	281C1 Rapid City	SD 92.19	29.4	82.0	10.19
KYDT	LIC	276C1 Sundance	WY 139.89	339.3	82.0	57.89
AL281	VAC	281A Guernsey	WY 137.36	213.5	75.0	62.36
KANT.C	CP	281C2 Guernsey	WY 144.76	223.3	79.0	65.76
RADD	ADD	277C2 Cheyenne	WY 224.08	198.3	158.0	66.08

Figure 4, Allotment Point, channel 287A  
Wheatland, Wyoming

REFERENCE  
42 08 55 N  
105 02 21 W

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 05-18-05  
SEARCH 05-19-05

----- Channel 287 - 105.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
AL289	VAC 289A	Wheatland	WY 12.69	145.6	31.0	-18.31
RADD	ADD 287C2	Potter	NE 166.00	129.0	166.0	0.00
KREO	LIC 287A	Pine Bluffs	WY 128.56	137.8	115.0	13.56
RDEL	DEL 287A	Pine Bluffs	WY 128.56	137.8	115.0	13.56
KHAD.C	CP 288C2	Mills	WY 123.44	302.8	106.0	17.44
KJAC	RSV 288C1	Timnath	CO 167.00	190.7	133.0	34.00
KJAC	RSV 288C1	Timnath	CO 167.00	190.7	133.0	34.00
KJAC	RSV 288C1	Timnath	CO 167.00	190.7	133.0	34.00
RADD	ADD 285C2	Cheyenne	WY 92.81	161.3	55.0	37.81
KJAC	LIC-N 288C1	Timnath	CO 171.74	188.1	133.0	38.74
KTRSFM	LIC 284C1	Casper	WY 123.49	302.9	75.0	48.49
KRRR	LIC-N 285C2	Cheyenne	WY 116.28	165.5	55.0	61.28
RDEL	DEL 285C2	Cheyenne	WY 116.28	165.5	55.0	61.28
AL287	VAC 287A	Wright	WY 181.00	349.0	115.0	66.00

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## CERTIFICATE OF SERVICE

I certify that on this 19<sup>th</sup> day of May, 2005, I caused to be sent by U.S. mail, postage prepaid, copies of the foregoing Reply Comments to the following:

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